

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ZULEIKA DAVIS

**ANSWER**

PLAINTIFF

DOCKET NO. CV-09-4135

-against-

HARVARD COLLECTION SERVICES, INC.

DEFENDANT

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Defendant HARVARD COLLECTION SERVICES, INC., by its attorney Mel S. Harris and Associates, LLC, answer plaintiff's complaint as follows:

1. Defendant acknowledges being sued pursuant to federal law, but denies any violation thereof.
2. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "2" of the complaint.
3. Defendant admits the allegations contained in paragraph "3" of the complaint.
4. Defendant admits that this Court has jurisdiction and admits that venue is appropriate but denies each and every other allegation contained in paragraph "4" of the complaint."
5. Defendant hereby repeats the answer to Paragraphs 1-5 of this Answer as the answer to this Paragraph "5" of the Complaint as though fully set forth herein.
6. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "6" of the complaint.
7. Defendant admits receiving a phone call from plaintiff on December 3, 2008. Defendant denies knowledge or information sufficient to form a belief as to each and every other allegation contained in paragraph "7" of the complaint.
8. Defendant acknowledges that an agreement was reached to settle the account in full for \$112.00. Defendant denies knowledge or information sufficient to form a belief as to each and every other allegation contained in paragraph "8" of the complaint.

9. Defendant admits to receiving payment of \$112.00 from plaintiff. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "9" of the complaint.

10. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "10" of the complaint.

11. Defendant denies each and every allegation contained in paragraph "11" of the complaint.

12. Defendant denies each and every allegation contained in paragraph "12" of the complaint.

13. Defendant denies each and every allegation contained in paragraph "13" of the complaint.

14. Defendant denies each and every allegation contained in paragraph "14" of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

15. Plaintiff has failed to state a cause of action upon which relief may be granted as to the defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

16. Plaintiff has suffered no damages as a result of any of the actions of the defendants.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

17. Plaintiff has failed to mitigate his damages, if any.

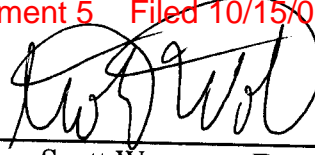
**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

18. This claim is barred by one or more of the grounds listed in FRCP 12(b)

**Wherefore,** Defendant respectfully prays that this action be dismissed with prejudice in its entirety and that Defendant be awarded its reasonable attorneys' fees and costs incurred to date in defending this action and for such other and further relief as this Court deems proper.

Dated: New York, NY

October 15, 2009

A handwritten signature in black ink, appearing to read 'Scott Wortman', is written over a horizontal line.

By: Scott Wortman, Esq.

Mel S. Harris and Associates, L.L.C.

Attorneys for Defendant

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